

REMARKS

Claims 1-58 are currently pending in this application. Upon entry of these amendments, claims 1-16, 18-50 and 52-60 will be pending. Claims 17 and 51 have been cancelled. Support for amended claims 1-16, 18-21, 24, 42-43, 45-47, 49 and 52-56, and new claims 59-60, can be found throughout the specification as originally filed, *inter alia*, in the originally filed claims, and on page 7, lines 4-9; page 10, line 33 extending to page 11, line 17; and page 12, lines 17-20. Accordingly, Applicants assert that no new matter is introduced into the specification by way of these amendments.

Further to Applicants' response to office action restriction requirement, filed September 29, 2003, replying to and traversing the Office Action restriction requirement, Applicants note that claims 1-16, 18-21 and 52-56, and new claims 59-60, now claim methods of treating symptoms or diseases caused by estrogen deficiency where the patient has or is at risk of having breast cancer, comprising administering a composition comprising an admixture of an extract of *Cimicifuga racemosa* or derivatives thereof and a pharmaceutically acceptable carrier. Claims 1-16, 18-21 and 52-56 as amended, and new claims 59-60, are consistent with Applicants' provisional election of restricted subject matter and provisional election of species. Accordingly, Applicants respectfully request that amended claims 1-16, 18-21 and 52-56, and new claims 59-60, be included within the provisionally elected subject matter and provisionally elected species as provided in Applicants' response to office action restriction requirement dated September 29, 2003.

Additionally, Applicants respectfully direct the Examiner's attention to previously-restricted claims 24-25, which also claim a method for relieving symptoms caused by estrogen deficiency in a mammal suffering from or having a high risk of developing an estrogen dependent tumour comprising administering a composition comprising substances contained in *Cimicifuga racemosa* extract. Applicants continue to assert that all of the claims must be examined on the merits together, for the reasons provided in Applicants' response to office action restriction requirement dated September 29, 2003. However, in the event that the restriction requirement is maintained in this application, Applicants assert that at a minimum, claims 1-16, 18-21, 24, 25, 52-56 and 59-60 should be examined on the merits with the provisionally elected claims of Group VI, specifically, claims 28-49 and 57-58. Accordingly, Applicants respectfully request that claims 1-16, 18-21, 24, 25, 52-56 and 59-60

be included within the provisionally elected subject matter and provisionally elected species as provided in Applicants response dated September 29, 2003.

Conclusion


Applicants believe that consideration of the above remarks have placed this application in condition for allowance. Early notification of a favorable consideration is respectfully requested.

Respectfully submitted,

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